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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

KENT GLADDEN,

Defendant and Appellant.

A154485

(Mendocino County
Super. Ct. No. SCUK-CRCR-16-
88427-1)

Appellant Kent Gladden appealed after a jury convicted him of felony driving under the influence. His appellate attorney has asked the court for an independent review of the record under *People v. Wende* (1979) 25 Cal.3d 436. We find no arguable issues and affirm.

On the evening of December 9, 2016, police were called to a mobile home in Ukiah, where a woman was on the ground bleeding in the face after having been hit by a vehicle. While an officer was tending to the victim, a woman approached the officer and told him she knew who was responsible and directed the officer to Gladden's trailer. Gladden smelled of alcohol and appeared to be intoxicated, and field-sobriety tests revealed he was under the influence of alcohol. Police arrested him for driving under the influence and took him to the hospital, where a blood test revealed that Gladden had a blood-alcohol level of 0.163 percent, more than double the legal limit of 0.08 percent. An investigation revealed that Gladden had driven within the previous half hour from a nearby Mexican restaurant after drinking a beer at the restaurant.

Gladden was charged by amended information with one count of causing injury while driving under the influence with prior convictions (Veh. Code, §§ 23153, subd. (a), 23566, subd. (a)—count one), one count of causing injury while driving under the influence with a blood-alcohol level over 0.08 percent with prior convictions (Veh. Code, §§ 23153, subd. (a), 23566, subd. (a)—count two), one count of driving under the influence with prior convictions (Veh. Code, §§ 23152, subd. (a), 23550, subd. (a)—count three), and one count of driving with a blood-alcohol level over 0.08 percent with prior convictions (Veh. Code, §§ 23152, subd. (b), 23550, subd. (a)—count four).

Gladden was tried by jury, with the exception of his three prior convictions, which he admitted outside the presence of the jury after he validly waived his right to have a jury consider the priors. Gladden testified at trial that he drank only half a bottle of beer while waiting for his takeout order at the Mexican restaurant, and he drank vodka mixed with cranberry juice only after he returned to his trailer home. He denied hitting anyone when he returned to the trailer park. A defense expert in accident reconstruction opined that police did an inadequate investigation of Gladden's truck and that there was no evidence that the truck struck anyone.

The jury convicted Gladden of the two counts related to driving under the influence with prior convictions (counts three and four) and acquitted him of the two counts related to causing injury (counts one and two).

At the time of the verdict in March 2018, Gladden had been in custody since the night of his arrest in December 2016 due to multiple continuances, which meant he had 937 days of custody credit. He was released on his own recognizance after trial and before sentencing and entered an in-patient substance-abuse program. The trial court sentenced Gladden to the midterm of two years in prison, but Gladden did not have to report because of time served. The court also imposed various fines and fees and then applied Gladden's excess custody credits against the amounts ordered so that he did not have to pay them.

This court has reviewed the entire record and has found no arguable issues. Substantial evidence supports Gladden's convictions, and no error appears in the trial

proceedings or in his sentence. And although Gladden was notified by his appellate counsel in November 2018 that he had 30 days to file a supplemental brief with the court, no supplemental brief was received.

The judgment is affirmed.

Humes, P.J.

We concur:

Margulies, J.

Sanchez, J.

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